

## REMARKS/ARGUMENTS

1. Applicants acknowledge with appreciation the courtesy of a telephonic interview on July 20, 2005 among Supervisory Patent Examiner James Trammell, Applicant and Attorney Bruce Sunstein, and Attorney Jeffrey Klayman regarding the Office action dated April 1, 2005. (The telephonic interview of July 20, 2005 was a follow-up to an earlier telephonic interview on June 21, 2005 among Examiner James Reagan, Applicant and Attorney Bruce Sunstein, and Attorney Jeffrey Klayman, which is memorialized in our interview summary dated June 22, 2005.) Mr. Sunstein summarized the prosecution history of the present patent application from the initial rejection based on a combination of two references (Pare and Bianco) to the current rejection based on a combination of four references (Pare, Bianco, Berson, Kanevsky) and explained why those references, alone or in combination, fail to teach or otherwise suggest the claimed invention. Mr. Sunstein specifically pointed out that the cited references fail to teach or otherwise suggest at least elements (a) and (d) of claim 1 (and similar limitations in the remaining claims) and that a combination of those references does not suggest the establishment of a repository of personal information using physiological identifiers to protect against unauthorized modification, as required by the claims.

2. Applicants also acknowledge with appreciation a return phone call from SPE Trammell on July 27, 2005 during which SPE Trammell indicated that he had met with Examiner Reagan to discuss this matter and was prepared to allow the application. SPE Trammell requested that Applicants submit an official response to the last Office action essentially reiterating the content of the interview summary dated June 22, 2005.

3. As discussed in Applicants' interview summary dated June 22, 2005, embodiments of the invention as reflected in the claims amended on February 23,

2005 effectively establish a repository of personal information using physiological identifiers to protect against unauthorized modification (see claim 1 et seq.). In accordance with the claims, personal information of a user and a first set of physiological identifiers associated with the user are obtained during an enrollment phase (claim 1, parts a/b). A data set including the personal information and the set of physiological identifiers is stored in a digital storage medium (claim 1, part c). A subject claiming to be the user is permitted to modify the user's personal information only if the subject provides a new set of physiological identifiers and it is determined, by recourse to the stored data set, that there is a sufficient match between at least one member in the new set and a corresponding member of the first set so that the subject is authenticated as the user (claim 1, part d). In essence, then, users store their personal information in the repository, and the personal information is protected from unauthorized modification using physiological identifiers.

The Examiner has rejected the claims as being obvious in view of a combination of Pare, Bianco, Berson, and Kanevsky. Applicants have addressed the combination of Pare, Bianco, and Berson in earlier communications. The combination of Pare, Bianco, and Berson fails to teach or otherwise suggest an enrollment phase during which personal information to be protected using physiological identifiers is provided by the user, as called out in the claims. The combination of Pare, Bianco, and Berson also does not teach or otherwise suggest establishment of a repository of personal information using physiological identifiers to protect against unauthorized modification, as called out in the claims. This position is confirmed by the Examiner in the Office action, specifically at page 6, lines 1-4 ("Pare/Bianco/Berson do not specifically disclose the newly-added limitation of *there is established a repository of personal information using physiological identifiers to protect against unauthorized modification*"). (However this limitation was already implicit in earlier versions of the claims.)

In the Office action, the Examiner argued that Kanevsky teaches or otherwise suggests such a limitation in at least column 3, lines 10-47 and column

5, lines 41-51. Applicants respectfully submit that those passages cited by the Examiner do not relate at all to a repository of personal information using physiological identifiers to protect against unauthorized modification. Rather, Kanevsky teaches (see, for example, the Abstract) a repository of biometric information that can be used for enrollment of a user in multiple third-party biometric recognition systems based on an initial enrollment in which biometric samples are provided by the user. Unlike the present invention as claimed, which uses physiological identifiers to prevent unauthorized modification of personal information stored by users in the repository, Kanevsky describes only client access to the information in a repository based on, for example, a username and password, and does not deal at all with user modification of the information in a repository. The sole purpose of the repository in Kanevsky is for enrollment, which presumably is then used by the clients for gating access. It should be noted that some non-biometric information, such as a mother's maiden name, can be stored in the repository, but it is stored only for use by the third-party systems in authenticating users in the same manner as the biometric information (see column 9, line 64 – column 10, line 31). There is no suggestion by Kanevsky that the repository should be used for any purpose other than enrollment. There is certainly no teaching or suggestion by Kanevsky to use physiological identifiers to prevent unauthorized modification of personal information in a repository, as required by claim 1.

In essence, then, Kanevsky addresses a different problem from the presently claimed invention. Specifically, Kanevsky addresses the problem of enrolling a user in multiple third-party biometric recognition systems based on an initial enrollment. On the other hand, the presently claimed invention addresses the problem of securing personal information by preventing unauthorized modification of user-provided information using physiological identifiers.

4. Claims 1-50 are pending in this application. All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicant respectfully requests early allowance of the application. The Applicant requests that the Examiner contact the undersigned, Jeffrey T. Klayman, if it will assist further examination of this application.

Respectfully submitted,



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